

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 22

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0787S.05P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 99.805, 99.810, 99.820, 99.843, 99.847, and 99.848, RSMo, and to enact in lieu thereof six new sections relating to tax increment financing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 99.805, 99.810, 99.820, 99.843,
2 99.847, and 99.848, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 99.805, 99.810,
4 99.820, 99.843, 99.847, and 99.848, to read as follows:

99.805. As used in sections 99.800 to 99.865, unless
2 the context clearly requires otherwise, the following terms
3 shall mean:

4 (1) "Blighted area", an area which, by reason of the
5 predominance of defective or inadequate street layout,
6 insanitary or unsafe conditions, deterioration of site
7 improvements, [improper subdivision or obsolete platting,]
8 or the existence of conditions which endanger life or
9 property by fire and other causes, or any combination of
10 such factors, retards the provision of housing
11 accommodations or constitutes an economic or social
12 liability or a menace to the public health, safety,
13 [morals,] or welfare in its present condition and use;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 (2) "Collecting officer", the officer of the
15 municipality responsible for receiving and processing
16 payments in lieu of taxes or economic activity taxes from
17 taxpayers or the department of revenue;

18 (3) "Conservation area", any improved area within the
19 boundaries of a redevelopment area located within the
20 territorial limits of a municipality in which fifty percent
21 or more of the structures in the area have an age of thirty-
22 five years or more. Such an area is not yet a blighted area
23 but is detrimental to the public health, safety, [morals,]
24 or welfare and may become a blighted area because of any one
25 or more of the following factors: dilapidation;
26 obsolescence; deterioration; illegal use of individual
27 structures; presence of structures below minimum code
28 standards; abandonment; excessive vacancies; overcrowding of
29 structures and community facilities; lack of ventilation,
30 light or sanitary facilities; inadequate utilities;
31 excessive land coverage; deleterious land use or layout;
32 depreciation of physical maintenance; and lack of community
33 planning. A conservation area shall meet at least three of
34 the factors provided in this subdivision for projects
35 approved on or after December 23, 1997. **For all**
36 **redevelopment plans and projects approved on or after**
37 **January 1, 2022, in retail areas, a conservation area shall**
38 **meet the dilapidation factor as one of the three factors**
39 **required under this subdivision;**

40 (4) "Economic activity taxes", the total additional
41 revenue from taxes which are imposed by a municipality and
42 other taxing districts, and which are generated by economic
43 activities within a redevelopment area over the amount of
44 such taxes generated by economic activities within such
45 redevelopment area in the calendar year prior to the

46 adoption of the ordinance designating such a redevelopment
47 area, while tax increment financing remains in effect, but
48 excluding personal property taxes, taxes imposed on sales or
49 charges for sleeping rooms paid by transient guests of
50 hotels and motels, licenses, fees or special assessments.
51 For redevelopment projects or redevelopment plans approved
52 after December 23, 1997, if a retail establishment relocates
53 within one year from one facility to another facility within
54 the same county and the governing body of the municipality
55 finds that the relocation is a direct beneficiary of tax
56 increment financing, then for purposes of this definition,
57 the economic activity taxes generated by the retail
58 establishment shall equal the total additional revenues from
59 economic activity taxes which are imposed by a municipality
60 or other taxing district over the amount of economic
61 activity taxes generated by the retail establishment in the
62 calendar year prior to its relocation to the redevelopment
63 area;

64 (5) "Economic development area", any area or portion
65 of an area located within the territorial limits of a
66 municipality, which does not meet the requirements of
67 subdivisions (1) and (3) of this section, and in which the
68 governing body of the municipality finds that redevelopment
69 will not be solely used for development of commercial
70 businesses which unfairly compete in the local economy and
71 is in the public interest because it will:

72 (a) Discourage commerce, industry or manufacturing
73 from moving their operations to another state; or

74 (b) Result in increased employment in the
75 municipality; or

76 (c) Result in preservation or enhancement of the tax
77 base of the municipality;

78 (6) "Gambling establishment", an excursion gambling
79 boat as defined in section 313.800 and any related business
80 facility including any real property improvements which are
81 directly and solely related to such business facility, whose
82 sole purpose is to provide goods or services to an excursion
83 gambling boat and whose majority ownership interest is held
84 by a person licensed to conduct gambling games on an
85 excursion gambling boat or licensed to operate an excursion
86 gambling boat as provided in sections 313.800 to 313.850.
87 This subdivision shall be applicable only to a redevelopment
88 area designated by ordinance adopted after December 23, 1997;

89 (7) "Greenfield area", any vacant, unimproved, or
90 agricultural property that is located wholly outside the
91 incorporated limits of a city, town, or village, or that is
92 substantially surrounded by contiguous properties with
93 agricultural zoning classifications or uses unless said
94 property was annexed into the incorporated limits of a city,
95 town, or village ten years prior to the adoption of the
96 ordinance approving the redevelopment plan for such
97 greenfield area;

98 (8) "Municipality", a city, village, or incorporated
99 town or any county of this state. For redevelopment areas
100 or projects approved on or after December 23, 1997,
101 municipality applies only to cities, villages, incorporated
102 towns or counties established for at least one year prior to
103 such date;

104 (9) "Obligations", bonds, loans, debentures, notes,
105 special certificates, or other evidences of indebtedness
106 issued by a municipality to carry out a redevelopment
107 project or to refund outstanding obligations;

108 (10) "Ordinance", an ordinance enacted by the
109 governing body of a city, town, or village or a county or an

110 order of the governing body of a county whose governing body
111 is not authorized to enact ordinances;

112 (11) "Payment in lieu of taxes", those estimated
113 revenues from real property in the area selected for a
114 redevelopment project, which revenues according to the
115 redevelopment project or plan are to be used for a private
116 use, which taxing districts would have received had a
117 municipality not adopted tax increment allocation financing,
118 and which would result from levies made after the time of
119 the adoption of tax increment allocation financing during
120 the time the current equalized value of real property in the
121 area selected for the redevelopment project exceeds the
122 total initial equalized value of real property in such area
123 until the designation is terminated pursuant to subsection 2
124 of section 99.850;

125 (12) **"Port infrastructure project", docks and**
126 **associated equipment, cargo and passenger terminals, storage**
127 **warehouses, or any other similar infrastructure directly**
128 **related to port facilities located in a port district**
129 **created pursuant to the provisions of chapter 68 and located**
130 **within one-half of one mile of a navigable waterway;**

131 [(12)] (13) "Redevelopment area", an area designated
132 by a municipality, in respect to which the municipality has
133 made a finding that there exist conditions which cause the
134 area to be classified as a blighted area, a conservation
135 area, an economic development area, an enterprise zone
136 pursuant to sections 135.200 to 135.256, or a combination
137 thereof, which area includes only those parcels of real
138 property directly and substantially benefitted by the
139 proposed redevelopment project;

140 [(13)] (14) "Redevelopment plan", the comprehensive
141 program of a municipality for redevelopment intended by the

142 payment of redevelopment costs to reduce or eliminate those
143 conditions, the existence of which qualified the
144 redevelopment area as a blighted area, conservation area,
145 economic development area, or combination thereof, and to
146 thereby enhance the tax bases of the taxing districts which
147 extend into the redevelopment area. Each redevelopment plan
148 shall conform to the requirements of section 99.810;

149 [(14)] **(15)** "Redevelopment project", any development
150 project within a redevelopment area in furtherance of the
151 objectives of the redevelopment plan; any such redevelopment
152 project shall include a legal description of the area
153 selected for the redevelopment project;

154 [(15)] **(16)** "Redevelopment project costs" include the
155 sum total of all reasonable or necessary costs incurred or
156 estimated to be incurred, and any such costs incidental to a
157 redevelopment plan or redevelopment project, as applicable.
158 Such costs include, but are not limited to, the following:

159 (a) Costs of studies, surveys, plans, and
160 specifications;

161 (b) Professional service costs, including, but not
162 limited to, architectural, engineering, legal, marketing,
163 financial, planning or special services. Except the
164 reasonable costs incurred by the commission established in
165 section 99.820 for the administration of sections 99.800 to
166 99.865, such costs shall be allowed only as an initial
167 expense which, to be recoverable, shall be included in the
168 costs of a redevelopment plan or project;

169 (c) Property assembly costs, including, but not
170 limited to:

171 a. Acquisition of land and other property, real or
172 personal, or rights or interests therein;

173 b. Demolition of buildings; and

- 174 c. The clearing and grading of land;
- 175 (d) Costs of rehabilitation, reconstruction, or repair
176 or remodeling of existing buildings and fixtures;
- 177 (e) Initial costs for an economic development area;
- 178 (f) Costs of construction of public works or
179 improvements;
- 180 (g) Financing costs, including, but not limited to,
181 all necessary and incidental expenses related to the
182 issuance of obligations, and which may include payment of
183 interest on any obligations issued pursuant to sections
184 99.800 to 99.865 accruing during the estimated period of
185 construction of any redevelopment project for which such
186 obligations are issued and for not more than eighteen months
187 thereafter, and including reasonable reserves related
188 thereto;
- 189 (h) All or a portion of a taxing district's capital
190 costs resulting from the redevelopment project necessarily
191 incurred or to be incurred in furtherance of the objectives
192 of the redevelopment plan and project, to the extent the
193 municipality by written agreement accepts and approves such
194 costs;
- 195 (i) Relocation costs to the extent that a municipality
196 determines that relocation costs shall be paid or are
197 required to be paid by federal or state law;
- 198 (j) Payments in lieu of taxes;
- 199 **(17) "Retail area", a proposed redevelopment building**
200 **area for which more than fifty percent of the usable**
201 **building square footage in the area is projected to be used**
202 **by retail businesses, which shall be businesses that**
203 **primarily sell or offer to sell goods to a buyer primarily**
204 **for the buyer's personal, family, or household use and not**
205 **primarily for business, commercial, or agricultural use;**

206 **(18) "Retail infrastructure projects", highways,**
207 **roads, streets, bridges, sewers, traffic control systems and**
208 **devices, water distribution and supply systems, curbing,**
209 **sidewalks, storm water and drainage systems, or any other**
210 **similar public improvements, but in no case shall retail**
211 **infrastructure projects include private structures;**

212 [(16)] **(19) "Special allocation fund",** the fund of a
213 municipality or its commission which contains at least two
214 separate segregated accounts for each redevelopment plan,
215 maintained by the treasurer of the municipality or the
216 treasurer of the commission into which payments in lieu of
217 taxes are deposited in one account, and economic activity
218 taxes and other revenues are deposited in the other account;

219 [(17)] **(20) "Taxing districts",** any political
220 subdivision of this state having the power to levy taxes;

221 [(18)] **(21) "Taxing districts' capital costs",** those
222 costs of taxing districts for capital improvements that are
223 found by the municipal governing bodies to be necessary and
224 to directly result from the redevelopment project; and

225 [(19)] **(22) "Vacant land",** any parcel or combination
226 of parcels of real property not used for industrial,
227 commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in
2 writing a general description of the program to be
3 undertaken to accomplish the objectives and shall include,
4 but need not be limited to, the estimated redevelopment
5 project costs, the anticipated sources of funds to pay the
6 costs, evidence of the commitments to finance the project
7 costs, the anticipated type and term of the sources of funds
8 to pay costs, the anticipated type and terms of the
9 obligations to be issued, the most recent equalized assessed
10 valuation of the property within the redevelopment area

11 which is to be subjected to payments in lieu of taxes and
12 economic activity taxes pursuant to section 99.845, an
13 estimate as to the equalized assessed valuation after
14 redevelopment, and the general land uses to apply in the
15 redevelopment area. No redevelopment plan shall be adopted
16 by a municipality without findings that:

17 (1) The redevelopment area on the whole is a blighted
18 area, a conservation area, or an economic development area,
19 and has not been subject to growth and development through
20 investment by private enterprise and would not reasonably be
21 anticipated to be developed without the adoption of tax
22 increment financing. Such a finding shall include, but not
23 be limited to, **a study prepared by a land use planner, urban**
24 **planner, licensed architect, licensed commercial real estate**
25 **appraiser, or licensed attorney, which includes** a detailed
26 description of the factors that qualify the redevelopment
27 area or project pursuant to this subdivision and an
28 affidavit, signed by the developer or developers and
29 submitted with the redevelopment plan, attesting that the
30 provisions of this subdivision have been met;

31 (2) The redevelopment plan conforms to the
32 comprehensive plan for the development of the municipality
33 as a whole;

34 (3) The estimated dates, which shall not be more than
35 twenty-three years from the adoption of the ordinance
36 approving a redevelopment project within a redevelopment
37 area, of completion of any redevelopment project and
38 retirement of obligations incurred to finance redevelopment
39 project costs have been stated, provided that no ordinance
40 approving a redevelopment project shall be adopted later
41 than ten years from the adoption of the ordinance approving
42 the redevelopment plan under which such project is

43 authorized and provided that no property for a redevelopment
44 project shall be acquired by eminent domain later than five
45 years from the adoption of the ordinance approving such
46 redevelopment project;

47 (4) A plan has been developed for relocation
48 assistance for businesses and residences;

49 (5) A cost-benefit analysis showing the economic
50 impact of the plan on each taxing district which is at least
51 partially within the boundaries of the redevelopment area.
52 The analysis shall show the impact on the economy if the
53 project is not built, and is built pursuant to the
54 redevelopment plan under consideration. The cost-benefit
55 analysis shall include a fiscal impact study on every
56 affected political subdivision, and sufficient information
57 from the developer for the commission established in section
58 99.820 to evaluate whether the project as proposed is
59 financially feasible;

60 (6) A finding that the plan does not include the
61 initial development or redevelopment of any gambling
62 establishment, provided however, that this subdivision shall
63 be applicable only to a redevelopment plan adopted for a
64 redevelopment area designated by ordinance after December
65 23, 1997.

66 **2. Tax increment allocation financing shall not be**
67 **adopted under sections 99.800 to 99.865 in a retail area**
68 **unless such financing is exclusively utilized to fund retail**
69 **infrastructure projects or unless such area is a blighted**
70 **area or conservation area. The provisions of this**
71 **subsection shall not apply to any tax increment allocation**
72 **financing project or plan approved before August 28, 2021,**
73 **nor to any amendment to tax increment allocation financing**
74 **projects and plans where such projects or plans were**

75 **originally approved before August 28, 2021, provided that**
76 **such an amendment does not add buildings of new construction**
77 **in excess of twenty-five percent of the scope of the**
78 **original redevelopment agreement.**

79 3. By the last day of February each year, each
80 commission shall report to the director of economic
81 development the name, address, phone number and primary line
82 of business of any business which relocates to the district.

83 The director of the department of economic development
84 shall compile and report the same to the governor, the
85 speaker of the house and the president pro tempore of the
86 senate on the last day of April each year.

99.820. 1. A municipality may:

2 (1) By ordinance introduced in the governing body of
3 the municipality within fourteen to ninety days from the
4 completion of the hearing required in section 99.825,
5 approve redevelopment plans and redevelopment projects, and
6 designate redevelopment project areas pursuant to the notice
7 and hearing requirements of sections 99.800 to 99.865. No
8 redevelopment project shall be approved unless a
9 redevelopment plan has been approved and a redevelopment
10 area has been designated prior to or concurrently with the
11 approval of such redevelopment project and the area selected
12 for the redevelopment project shall include only those
13 parcels of real property and improvements thereon directly
14 and substantially benefitted by the proposed redevelopment
15 project improvements;

16 (2) Make and enter into all contracts necessary or
17 incidental to the implementation and furtherance of its
18 redevelopment plan or project;

19 (3) Pursuant to a redevelopment plan, subject to any
20 constitutional limitations, acquire by purchase, donation,

21 lease or, as part of a redevelopment project, eminent
22 domain, own, convey, lease, mortgage, or dispose of land and
23 other property, real or personal, or rights or interests
24 therein, and grant or acquire licenses, easements and
25 options with respect thereto, all in the manner and at such
26 price the municipality or the commission determines is
27 reasonably necessary to achieve the objectives of the
28 redevelopment plan. No conveyance, lease, mortgage,
29 disposition of land or other property, acquired by the
30 municipality, or agreement relating to the development of
31 the property shall be made except upon the adoption of an
32 ordinance by the governing body of the municipality. Each
33 municipality or its commission shall establish written
34 procedures relating to bids and proposals for implementation
35 of the redevelopment projects. Furthermore, no conveyance,
36 lease, mortgage, or other disposition of land or agreement
37 relating to the development of property shall be made
38 without making public disclosure of the terms of the
39 disposition and all bids and proposals made in response to
40 the municipality's request. Such procedures for obtaining
41 such bids and proposals shall provide reasonable opportunity
42 for any person to submit alternative proposals or bids;

43 (4) Within a redevelopment area, clear any area by
44 demolition or removal of existing buildings and structures;

45 (5) Within a redevelopment area, renovate,
46 rehabilitate, or construct any structure or building;

47 (6) Install, repair, construct, reconstruct, or
48 relocate streets, utilities, and site improvements essential
49 to the preparation of the redevelopment area for use in
50 accordance with a redevelopment plan;

51 (7) Within a redevelopment area, fix, charge, and
52 collect fees, rents, and other charges for the use of any

53 building or property owned or leased by it or any part
54 thereof, or facility therein;

55 (8) Accept grants, guarantees, and donations of
56 property, labor, or other things of value from a public or
57 private source for use within a redevelopment area;

58 (9) Acquire and construct public facilities within a
59 redevelopment area;

60 (10) Incur redevelopment costs and issue obligations;

61 (11) Make payment in lieu of taxes, or a portion
62 thereof, to taxing districts;

63 (12) Disburse surplus funds from the special
64 allocation fund to taxing districts as follows:

65 (a) Such surplus payments in lieu of taxes shall be
66 distributed to taxing districts within the redevelopment
67 area which impose ad valorem taxes on a basis that is
68 proportional to the current collections of revenue which
69 each taxing district receives from real property in the
70 redevelopment area;

71 (b) Surplus economic activity taxes shall be
72 distributed to taxing districts in the redevelopment area
73 which impose economic activity taxes, on a basis that is
74 proportional to the amount of such economic activity taxes
75 the taxing district would have received from the
76 redevelopment area had tax increment financing not been
77 adopted;

78 (c) Surplus revenues, other than payments in lieu of
79 taxes and economic activity taxes, deposited in the special
80 allocation fund, shall be distributed on a basis that is
81 proportional to the total receipt of such other revenues in
82 such account in the year prior to disbursement;

83 (13) If any member of the governing body of the
84 municipality, a member of a commission established pursuant

85 to subsection 2 or 3 of this section, or an employee or
86 consultant of the municipality, involved in the planning and
87 preparation of a redevelopment plan, or redevelopment
88 project for a redevelopment area or proposed redevelopment
89 area, owns or controls an interest, direct or indirect, in
90 any property included in any redevelopment area, or proposed
91 redevelopment area, which property is designated to be
92 acquired or improved pursuant to a redevelopment project, he
93 or she shall disclose the same in writing to the clerk of
94 the municipality, and shall also so disclose the dates,
95 terms, and conditions of any disposition of any such
96 interest, which disclosures shall be acknowledged by the
97 governing body of the municipality and entered upon the
98 minutes books of the governing body of the municipality. If
99 an individual holds such an interest, then that individual
100 shall refrain from any further official involvement in
101 regard to such redevelopment plan, redevelopment project or
102 redevelopment area, from voting on any matter pertaining to
103 such redevelopment plan, redevelopment project or
104 redevelopment area, or communicating with other members
105 concerning any matter pertaining to that redevelopment plan,
106 redevelopment project or redevelopment area. Furthermore,
107 no such member or employee shall acquire any interest,
108 direct or indirect, in any property in a redevelopment area
109 or proposed redevelopment area after either (a) such
110 individual obtains knowledge of such plan or project, or (b)
111 first public notice of such plan, project or area pursuant
112 to section 99.830, whichever first occurs;

113 (14) Charge as a redevelopment cost the reasonable
114 costs incurred by its clerk or other official in
115 administering the redevelopment project. The charge for the
116 clerk's or other official's costs shall be determined by the

117 municipality based on a recommendation from the commission,
118 created pursuant to this section.

119 2. Prior to adoption of an ordinance approving the
120 designation of a redevelopment area or approving a
121 redevelopment plan or redevelopment project, the
122 municipality shall create a commission of nine persons if
123 the municipality is a county or a city not within a county
124 and not a first class county with a charter form of
125 government with a population in excess of nine hundred
126 thousand, and eleven persons if the municipality is not a
127 county and not in a first class county with a charter form
128 of government having a population of more than nine hundred
129 thousand, and twelve persons if the municipality is located
130 in or is a first class county with a charter form of
131 government having a population of more than nine hundred
132 thousand, to be appointed as follows:

133 (1) In all municipalities two members shall be
134 appointed by the school boards whose districts are included
135 within the redevelopment plan or redevelopment area. Such
136 members shall be appointed in any manner agreed upon by the
137 affected districts;

138 (2) In all municipalities one member shall be
139 appointed, in any manner agreed upon by the affected
140 districts, to represent all other districts levying ad
141 valorem taxes within the area selected for a redevelopment
142 project or the redevelopment area, excluding representatives
143 of the governing body of the municipality;

144 (3) In all municipalities six members shall be
145 appointed by the chief elected officer of the municipality,
146 with the consent of the majority of the governing body of
147 the municipality;

148 (4) In all municipalities which are not counties and
149 not in a first class county with a charter form of
150 government having a population in excess of nine hundred
151 thousand, two members shall be appointed by the county of
152 such municipality in the same manner as members are
153 appointed in subdivision (3) of this subsection;

154 (5) In a municipality which is a county with a charter
155 form of government having a population in excess of nine
156 hundred thousand, three members shall be appointed by the
157 cities in the county which have tax increment financing
158 districts in a manner in which the cities shall agree;

159 (6) In a municipality which is located in the first
160 class county with a charter form of government having a
161 population in excess of nine hundred thousand, three members
162 shall be appointed by the county of such municipality in the
163 same manner as members are appointed in subdivision (3) of
164 this subsection;

165 (7) At the option of the members appointed by the
166 municipality, the members who are appointed by the school
167 boards and other taxing districts may serve on the
168 commission for a term to coincide with the length of time a
169 redevelopment project, redevelopment plan or designation of
170 a redevelopment area is considered for approval by the
171 commission, or for a definite term pursuant to this
172 subdivision. If the members representing school districts
173 and other taxing districts are appointed for a term
174 coinciding with the length of time a redevelopment project,
175 plan or area is approved, such term shall terminate upon
176 final approval of the project, plan or designation of the
177 area by the governing body of the municipality. Thereafter
178 the commission shall consist of the six members appointed by
179 the municipality, except that members representing school

180 boards and other taxing districts shall be appointed as
181 provided in this section prior to any amendments to any
182 redevelopment plans, redevelopment projects or designation
183 of a redevelopment area. If any school district or other
184 taxing jurisdiction fails to appoint members of the
185 commission within thirty days of receipt of written notice
186 of a proposed redevelopment plan, redevelopment project or
187 designation of a redevelopment area, the remaining members
188 may proceed to exercise the power of the commission. Of the
189 members first appointed by the municipality, two shall be
190 designated to serve for terms of two years, two shall be
191 designated to serve for a term of three years and two shall
192 be designated to serve for a term of four years from the
193 date of such initial appointments. Thereafter, the members
194 appointed by the municipality shall serve for a term of four
195 years, except that all vacancies shall be filled for
196 unexpired terms in the same manner as were the original
197 appointments. Members appointed by the county executive or
198 presiding commissioner prior to August 28, 2008, shall
199 continue their service on the commission established in
200 subsection 3 of this section without further appointment
201 unless the county executive or presiding commissioner
202 appoints a new member or members.

203 3. Beginning August 28, 2008:

204 (1) In lieu of a commission created under subsection 2
205 of this section, any city, town, or village in a county with
206 a charter form of government and with more than one million
207 inhabitants, in a county with a charter form of government
208 and with more than two hundred fifty thousand but fewer than
209 three hundred fifty thousand inhabitants, [or] in a county
210 of the first classification with more than one hundred
211 eighty-five thousand but fewer than two hundred thousand

212 inhabitants, **or in a county of the first classification with**
213 **more than ninety-two thousand but fewer than one hundred one**
214 **thousand inhabitants** shall, prior to adoption of an
215 ordinance approving the designation of a redevelopment area
216 or approving a redevelopment plan or redevelopment project,
217 create a commission consisting of twelve persons to be
218 appointed as follows:

219 (a) Six members appointed either by the county
220 executive or presiding commissioner; notwithstanding any
221 provision of law to the contrary, no approval by the
222 county's governing body shall be required;

223 (b) Three members appointed by the cities, towns, or
224 villages in the county which have tax increment financing
225 districts in a manner in which the chief elected officials
226 of such cities, towns, or villages agree;

227 (c) Two members appointed by the school boards whose
228 districts are included in the county in a manner in which
229 the school boards agree; and

230 (d) One member to represent all other districts
231 levying ad valorem taxes in the proposed redevelopment area
232 in a manner in which all such districts agree.

233 No city, town, or village subject to this subsection shall
234 create or maintain a commission under subsection 2 of this
235 section, except as necessary to complete a public hearing
236 for which notice under section 99.830 has been provided
237 prior to August 28, 2008, and to vote or make
238 recommendations relating to redevelopment plans,
239 redevelopment projects, or designation of redevelopment
240 areas, or amendments thereto that were the subject of such
241 public hearing;

242 (2) Members appointed to the commission created under
243 this subsection, except those six members appointed by
244 either the county executive or presiding commissioner, shall
245 serve on the commission for a term to coincide with the
246 length of time a redevelopment project, redevelopment plan,
247 or designation of a redevelopment area is considered for
248 approval by the commission. The six members appointed by
249 either the county executive or the presiding commissioner
250 shall serve on all such commissions until replaced. The
251 city, town, or village that creates a commission under this
252 subsection shall send notice thereof by certified mail to
253 the county executive or presiding commissioner, to the
254 school districts whose boundaries include any portion of the
255 proposed redevelopment area, and to the other taxing
256 districts whose boundaries include any portion of the
257 proposed redevelopment area. The city, town, or village
258 that creates the commission shall also be solely responsible
259 for notifying all other cities, towns, and villages in the
260 county that have tax increment financing districts and shall
261 exercise all administrative functions of the commission.
262 The school districts receiving notice from the city, town,
263 or village shall be solely responsible for notifying the
264 other school districts within the county of the formation of
265 the commission. If the county, school board, or other
266 taxing district fails to appoint members to the commission
267 within thirty days after the city, town, or village sends
268 the written notice, as provided herein, that it has convened
269 such a commission or within thirty days of the expiration of
270 any such member's term, the remaining duly appointed members
271 of the commission may exercise the full powers of the
272 commission.

273 4. (1) Any commission created under this section,
274 subject to approval of the governing body of the
275 municipality, may exercise the powers enumerated in sections
276 99.800 to 99.865, except final approval of plans, projects
277 and designation of redevelopment areas. The commission
278 shall hold public hearings and provide notice pursuant to
279 sections 99.825 and 99.830.

280 (2) Any commission created under subsection 2 of this
281 section shall vote on all proposed redevelopment plans,
282 redevelopment projects and designations of redevelopment
283 areas, and amendments thereto, within thirty days following
284 completion of the hearing on any such plan, project or
285 designation and shall make recommendations to the governing
286 body within ninety days of the hearing referred to in
287 section 99.825 concerning the adoption of or amendment to
288 redevelopment plans and redevelopment projects and the
289 designation of redevelopment areas. The requirements of
290 subsection 2 of this section and this subsection shall not
291 apply to redevelopment projects upon which the required
292 hearings have been duly held prior to August 31, 1991.

293 (3) Any commission created under subsection 3 of this
294 section shall, within fifteen days of the receipt of a
295 redevelopment plan meeting the minimum requirements of
296 section 99.810, as determined by counsel to the city, town,
297 or village creating the commission and a request by the
298 applicable city, town, or village for a public hearing, fix
299 a time and place for the public hearing referred to in
300 section 99.825. The public hearing shall be held no later
301 than seventy-five days from the commission's receipt of such
302 redevelopment plan and request for public hearing. The
303 commission shall vote and make recommendations to the
304 governing body of the city, town, or village requesting the

305 public hearing on all proposed redevelopment plans,
306 redevelopment projects, and designations of redevelopment
307 areas, and amendments thereto within thirty days following
308 the completion of the public hearing. A recommendation of
309 approval shall only be deemed to occur if a majority of the
310 commissioners voting on such plan, project, designation, or
311 amendment thereto vote for approval. A tied vote shall be
312 considered a recommendation in opposition. If the
313 commission fails to vote within thirty days following the
314 completion of the public hearing referred to in section
315 99.825 concerning the proposed redevelopment plan,
316 redevelopment project, or designation of redevelopment area,
317 or amendments thereto, such plan, project, designation, or
318 amendment thereto shall be deemed rejected by the commission.

319 5. It shall be the policy of the state that each
320 redevelopment plan or project of a municipality be carried
321 out with full transparency to the public. The records of
322 the tax increment financing commission including, but not
323 limited to, commission votes and actions, meeting minutes,
324 summaries of witness testimony, data, and reports submitted
325 to the commission shall be retained by the governing body of
326 the municipality that created the commission and shall be
327 made available to the public in accordance with chapter 610.

99.843. Notwithstanding the provisions of sections
2 99.800 to 99.865 to the contrary, no new tax increment
3 financing project shall be authorized in any greenfield
4 area, as such term is defined in section 99.805[, that is
5 located within a city not within a county or any county
6 subject to the authority of the East-West Gateway Council of
7 Governments. Municipalities not subject to the authority of
8 the East-West Gateway Council of Governments may authorize
9 tax increment finance projects in greenfield areas].

99.847. 1. Notwithstanding the provisions of sections
2 99.800 to 99.865 to the contrary, no new tax increment
3 financing project shall be authorized in any area which is
4 within an area designated as flood plain by the Federal
5 Emergency Management Agency [and which is located in or
6 partly within a county with a charter form of government
7 with greater than two hundred fifty thousand inhabitants but
8 fewer than three hundred thousand inhabitants, unless the
9 redevelopment area actually abuts a river or a major
10 waterway and is substantially surrounded by contiguous
11 properties with residential, industrial, or commercial
12 zoning classifications] **unless such project is located in:**

13 **(1) A county with a charter form of government and**
14 **with more than six hundred thousand but fewer than seven**
15 **hundred thousand inhabitants;**

16 **(2) A county of the first classification with more**
17 **than two hundred thousand but fewer than two hundred sixty**
18 **thousand inhabitants;**

19 **(3) A county of the first classification with more**
20 **than eighty-three thousand but fewer than ninety-two**
21 **thousand inhabitants and with a city of the fourth**
22 **classification with more than four thousand five hundred but**
23 **fewer than five thousand inhabitants as the county seat;**

24 **(4) A home rule city with more than seventy-one**
25 **thousand but fewer than seventy-nine thousand inhabitants;**

26 **(5) A home rule city with more than one hundred fifty-**
27 **five thousand but fewer than two hundred thousand**
28 **inhabitants;**

29 **(6) A home rule city with more than seventeen thousand**
30 **but fewer than nineteen thousand inhabitants and partially**
31 **located in any county of the third classification without a**

32 township form of government and with more than twenty-six
33 thousand but fewer than twenty-nine thousand inhabitants;

34 (7) A county of the first classification with more
35 than seventy thousand but fewer than eighty-three thousand
36 inhabitants and with a home rule city with more than forty-
37 one thousand but fewer than forty-seven thousand inhabitants
38 as the county seat;

39 (8) A port district created under the provisions of
40 chapter 68, provided that such financing is exclusively
41 utilized to fund a port infrastructure project that is
42 approved by the port authority; or

43 (9) A levee district created pursuant to chapter 245
44 or a drainage district created pursuant to chapter 242 or
45 chapter 243 prior to August 28, 2021.

46 2. This [subsection] **section** shall not apply to tax
47 increment financing projects or districts approved prior to
48 July 1, 2003, and shall allow [the aforementioned] **such** tax
49 increment financing projects to modify, amend, or expand
50 such projects, including redevelopment project costs, by not
51 more than forty percent of such project original projected
52 cost, including redevelopment project costs, as such
53 projects, including redevelopment project costs [as such
54 projects redevelopment projects including redevelopment
55 project costs], existed as of June 30, 2003, and shall allow
56 [the aforementioned] **such** tax increment financing district
57 to modify, amend, or expand such districts by not more than
58 five percent as such districts existed as of June 30, 2003.

59 3. **The provisions of subsections 1 and 2 of this**
60 **section notwithstanding, no new tax increment financing**
61 **project shall be authorized in any area which is within an**
62 **area designated as flood plain by the Federal Emergency**
63 **Management Agency and which is located in or partly within a**

64 county with a charter form of government and with more than
65 three hundred thousand but fewer than four hundred fifty
66 thousand inhabitants, unless the redevelopment area actually
67 abuts a river or a major waterway and is substantially
68 surrounded by contiguous properties with residential,
69 industrial, or commercial zoning classifications.

99.848. 1. (1) Notwithstanding subsection 1 of
2 section 99.845, any [district or county] **ambulance district**
3 **board operating under chapter 190, any fire protection**
4 **district board operating under chapter 321, or any governing**
5 **body operating a 911 center providing dispatch services**
6 **under chapter 190 or chapter 321** imposing a property tax for
7 the purposes of providing emergency services pursuant to
8 chapter 190 or **chapter** 321 shall be entitled to
9 reimbursement from the special allocation fund in the amount
10 of at least fifty percent but not more than one hundred
11 percent of the district's **or 911 center's** tax increment.
12 This [section] **subsection** shall not apply to tax increment
13 financing projects or [districts] **redevelopment areas**
14 approved prior to August 28, 2004.

[2.] (2) Beginning August 28, 2018, an ambulance
16 district board operating under chapter 190, a fire
17 protection district board operating under chapter 321, or
18 the governing body of a county operating a 911 center
19 providing emergency or dispatch services under chapter 190
20 or **chapter** 321 **imposing a property tax for the purpose of**
21 **providing emergency services pursuant to chapter 190 or**
22 **chapter 321** shall annually set the reimbursement rate under
23 **this** subsection [1 of this section] prior to [the time the
24 assessment is paid into the special allocation fund]
25 **November thirtieth preceding the calendar year for which the**
26 **annual reimbursement is being set.** If the redevelopment

27 plan, area, or project is amended by ordinance or by other
28 means after August 28, 2018, the ambulance or fire
29 protection district board or the governing body of a county
30 operating a 911 center providing emergency or dispatch
31 services under chapter 190 or **chapter** 321 shall have the
32 right to recalculate the reimbursement rate under this
33 [section] **subdivision**.

34 **2. (1) Notwithstanding subsection 1 of section**
35 **99.845, any ambulance district board operating under chapter**
36 **190, any fire protection district operating under chapter**
37 **321, or any governing body operating a 911 center imposing**
38 **an economic activities tax for the purposes of providing**
39 **emergency services pursuant to chapter 190 or chapter 321**
40 **shall be entitled to reimbursement from the special**
41 **allocation fund in the amount of at least fifty percent but**
42 **not more than one hundred percent of the district's or 911**
43 **center's tax increment. This subsection shall not apply to**
44 **tax increment financing projects or redevelopment areas**
45 **approved prior to August 28, 2021.**

46 **(2) Beginning August 28, 2021, any ambulance district**
47 **board operating under chapter 190, any fire protection**
48 **district operating under chapter 321, or any governing body**
49 **operating a 911 center providing dispatch services under**
50 **chapter 190 or chapter 321 shall annually set the**
51 **reimbursement rate under this subsection prior to November**
52 **thirtieth preceding the calendar year for which the annual**
53 **reimbursement is being set. If the redevelopment plan,**
54 **area, or project is amended by ordinance or by other means**
55 **after August 28, 2021, the ambulance or fire protection**
56 **district board or the governing body of a county operating a**
57 **911 center providing emergency or dispatch services under**

58 chapter 190 or chapter 321 shall have the right to
59 recalculate the reimbursement rate under this subdivision.

✓